Appl. No. 09/925,182
Amdt. dated October 26, 2006
Reply to Office Action of July 19, 2006

PATENT

REMARKS/ARGUMENTS

Claims 1-25 are pending. Claims 1, 3, and 14 have been amended. No new matter has been added.

Claims 1-4 and 14-16 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Vaid et al. (U.S. Patent No. 6,078,953).

Claims 5-13 and 17-25 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Vaid et al. and further in view of Mate et al., US 2003/0056001.

Claim Objections

Applicants submit that the objection for claims 3 should be withdrawn in light of the amendment made to the claims.

Claim Rejection under 35 U.S.C. §102(e)

Claims 1-4 and 14-16 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Vaid et al. Applicants respectfully traverse all these rejections.

Claim 1

Applicants respectfully submit that Vaid et al. fails to disclose all of the claim limitations recited in Claim 1.

Claim 1 recites, among other things, "a first allocation of resources <u>for the plurality of nodes</u>, the first allocation being made <u>by a first management system external</u> to the <u>plurality of nodes</u> that manages at least part of the network, and a second allocation of resources for the <u>first</u> node, <u>the second allocation being a local allocation</u>, the second allocation being made by <u>a second management system</u> having a limited capability compared to the first management system and usable by the <u>first</u> node in accordance with priorities determined at the node."

According to various embodiments, the present invention provides a first allocation of resources that is determined by a network management system for a large network

Appl. No. 09/925,182
Amdt. dated October 26, 2006
Reply to Office Action of July 19, 2006

PATENT

with many nodes, and a second allocation of resources is determined by an API for local network resources associated with a single node. (see, for example, pages 4-5 of the specification and Figure 2). For example, the first allocation is a high level allocation for a large network, while the second allocation is a low level allocation for a small network that is a part of the large network.

Vaid et al. does not disclose at least two allocations with two network management systems. In contrast, Vaid et al. appears to disclose a tool that uses two mechanisms: FAST module and FAIR module. According to Vaid et al., FAST modules and FAIR module perform different network functions at the same network level (i.e., both modules are coupled to the API). (See column 12, lines 44-56; column 12, lines 59-67, and column 13, lines 1-5; see also Figure 2). Vaid et al. fails to disclose network management systems (or modules) that operate on different network levels.

For at least the above reasons, Applicants respectfully submit that claim 1 is not taught by Vaid et al., and thus should be allowed.

Claims 3 and 4

Claims 3 and 4 should be allowed for substantially the same reason as discussed for claim 1, and more particularly for specific features they recite.

Claim 14

Applicants respectfully submit that Vaid et al. fails to disclose all of the claim limitations recited in Claim 14.

Claim 14 recites, among other things, "allocating a first level of service from a remote source for a plurality of nodes, the plurality of nodes including a first node; allocating a second level of service from a local source for the first node, the second level of service using resources available from the first level of service."

As explained above, various embodiments of the present invention provide allocating networks services at a first level and a second level. The service allocated at the

Appl. No. 09/925,182
Amdt. dated October 26, 2006
Reply to Office Action of July 19, 2006

PATENT

second level is associated with a first node, which is a subset of the plurality of nodes whose allocation is determined at the first level.

Vaid et al. does not at least disclose two allocations at two different levels. In contrast, Vaid et al. appears to disclose a tool that uses two mechanisms: FAST module and FAIR module. According to Vaid et al. FAST modules and FAIR module performs different network functions at the same network level (i.e., both modules are coupled to the API). (See column 12, lines 44-56; column 12, lines 59-67, and column 13, lines 1-5; see also Figure 2). Vaid et al. fails to disclose network management systems (or modules) that operate on different network levels.

For the above reasons, Applicants respectfully submit that claim 14 is not taught by Vaid et al., and thus should be allowed.

Claims 15 and 16

Claims 15 and 16 should be allowed for substantially the same reason as discussed for claim 1, and more particularly for specific features they recite.

Claim Rejection under 35 U.S.C. §103(a)

Claims 5-13

Claims 5-13 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Vaid et al. and further in view of Mate et al. Applicants respectfully submit that deficiencies in Vaid et al. as discussed above are not cured by Mate et al., as Vaid et al. and Mate et al., alone or in combination, do not teach or suggest at least "a first allocation of resources for the plurality of nodes, the first allocation being made by a first management system external to the plurality of nodes that manages at least part of the network, and a second allocation of resources for the first node, the second allocation being a local allocation, the second allocation being made by a second management system having a limited capability compared to the first management system and usable by the first node in accordance with priorities determined at the node." Mate et al. appears to disclose method and system for

Appl. No. 09/925,182
Amdt. dated October 26, 2006
Reply to Office Action of July 19, 2006

PATENT

supporting in a router a plurality of data flows using a ternary content addressable memory, which is not related to the abovementioned claim limitation. Even if Vaid et al. and Mate et al. references are combined, the combination does not disclose these claim limitations. Moreover, neither reference suggests such combination.

Therefore, claims 5-13 should be allowable for at least the above reasons and particularly for the features they recite.

Claims 17-25

Claims 17-25 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Vaid et al. and further in view of Mate et al. Applicants respectfully submit that deficiencies in Vaid et al. as discussed above are not cured by Mate et al., as Vaid et al. and Mate et al., alone or in combination, do not teach or suggest at least ""allocating a first level of service from a remote source for a plurality of nodes, the plurality of nodes including a first node; allocating a second level of service from a local source for the first node, the second level of service using resources available from the first level of service." Mate et al. appears to disclose method and system for supporting in a router a plurality of data flows using a ternary content addressable memory, which is not related to the abovementioned claim limitation. Even if Vaid et al. and Mate et al. references are combined, the combination does not disclose these claim limitations. Moreover, neither reference suggests such combination.

Therefore, claims 5-13 should be allowable for at least the above reasons and particularly for the features they recite.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/925,182
Amdt. dated October 26, 2006
Reply to Office Action of July 19, 2006

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

George B.F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
GBFY:L1Y:klm
60888351 v1